IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 2962 of 2007(C)

PETITIONER:

SASIDHARAN C.B.,
AGED 46 YEARS, S/O.BALAN, CHENAL HOUSE,
MENNANGADI P.O.,
SULTHAN BATHERY, WAYANAD.

BY ADV. SRI.RAFFEEKH.K
SRI.MOHAMMED JAMEEL P.K.

RESPONDENTS:
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1. THE REGIONAL TRNASPORT AUTHORITY,
WAYANAD, REP BY ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, WAYANAD.

BY GOVERNMENT PLEADER SMT. N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 2962/2007 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RC OF THE PETITIONER'S VEHICLE NO. KL 12/B/2594.

EXT.P2. COPY OF THE PROCEEDINGS OF THE RTA DT. 9/6/04.

EXT.P3. COPY OF THE APPLICATION DT. 29/12/06 FOR RENEWAL OF PERMIT.

EXT.P4. COPY OF THE PROCEEDINGS DT. 8/1/07 BY THE R1.

EXT.P5. COPY OF THE FITNESS CERTIFICATE DT. 19/1/2007.

EXT.P6. COPY OF THE JUDGMENT DT. 5/08/2005 IN WPC NO. 16055/2005.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 2962 OF 2007-C

JUDGMENT

The petitioner is having a regular permit on the route Mukkamkunnu – Suthanbathery, granted in respect of his vehicle KL-12/B 2594. It is a six wheeler Light Motor Vehicle. When Ext.P3 application for renewal of that permit was submitted, the same was not considered and the Secretary, by Ext.P4 communication, asked him to replace the vehicle with a Heavy Passenger Vehicle. This Writ Petition is filed, challenging the said order.

2. The point raised by the petitioner is covered in his favour by several decisions of this Court. This Court has granted time for replacing Light Motor Vehicles till the matter is decided by the Government. So, the 1st respondent R.T.A is directed to dispose of Ext.P3 application within two months from the date of production of a copy of this judgment. The permit shall be renewed, if it is otherwise eligible for renewal. In other words, the non-production of a Heavy Passenger Vehicle shall not be taken as a ground to reject the renewal application. Needless to say, when the decision of the

Government comes, the petitioner will be bound by the direction of the Government in this regard.

The Writ Petition is disposed of as above.

9th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/